IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 12TH MARCH 2007 / 21ST PHALGUNA 1928

Crl.Rev.Pet.No. 995 of 1999()

CRA.110/1996 of ADDL. SESSIONS COURT, ALAPPUZHA
CC.849/1992 of JUDL.MAGISTRATE OF FIRST CLASS-II, CHERTHALA

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REVN. PETITIONERS: APPELLANTS/ACCUSED

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1. N.NATARAJAN
   S/O.NARAYANAN
   NIKARTHIL VEEDU, WARD 8
   THURAVOOR PANCHAYAT.

2. RAMANI
   W/O.NATARAJAN
   NIKARTHIL VEEDU, WARD 8
   THURAVOOR PANCHAYAT.

3. RAJESH
   S/O.N.NATARAJAN
   NIKARTHIL VEEDU, WARD 8
   THURAVOOR PANCHAYAT.

BY ADV. SRI.M.P.KRISHNAN NAIR

RESPONDENT: RESPONDENT/COMPLAINANT

STATE OF KERALA
REPRESENTED BY SUB INSPECTOR OF POLICE
KUTHIATHODE POLICE STATION
REP. BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 12/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

CRL.R.P.122/99

ORDER ON CRL.M.P.NO.410/99 IN CRL.R.P.NO.122/99

DISMISSED

15.3.2007 SD/- K.R.UDAYABHANU, JUDGE

/TRUE COPY/

P.A. TO JUDGE

K.R.UDAYABHANU, J

CRL.R.P.No.995 of 1999

Dated this the 12th day of March, 2007

ORDER

Revision petitioners are the accused in C.C.849/92 with respect to the offences under Sections 447, 324 and 323 read with Section 34 IPC. The accused/revision petitioners stands convicted and sentenced as follows: A1 to undergo simple imprisonment for three months under Section 324 read with 34 IPC and also to undergo simple imprisonment for one month under Section 447 read with 34 IPC, which he shall undergo consecutively. The second accused stands convicted to pay a fine of Rs.1,000/- and in default, to undergo simple imprisonment for three months under Section 324 read with 34 IPC and to pay a fine of Rs.500/- and in default, to undergo simple imprisonment for one month for the offence under Section 447 read with 34 IPC. With respect to A3, the son of A1 and A2, he was ordered to be released under probation vide Section 4(i) of the Probation of Offenders Act.

2. The prosecution case is that the accused on 10.3.1992

at about 10 a.m. attacked PW1 with lethal weapons and caused injuries on the middle of his head by hitting with a stone and also inflicted a blow on his hand with a hand-axe and A3 beat him with a cycle chain and A2 stamped on his abdomen. The courts have currently found that the guilt of the accused has been proved beyond reasonable doubt, convicted and sentenced as noted above.

3. The counsel for the revision petitioner has sought for only modification of the sentence pleading for leniency. It is pointed out that the incident has taken place more than 10 years ago and that the accused has already undergone sufficient psychological torture on account of the impending imprisonment. In the circumstances and considering the fact that the incident has taken place in the year of 1992 and so far as the accused was facing the criminal proceedings, I find that the sentence is liable to be modified. In the circumstances and taking into consideration the injury sustained by PW1, the sentence awarded to A1 for the offence under Section 324 IPC is modified to imprisonment till the rising of the court and to pay a

compensation of Rs.20,000/- with the default clause that he shall undergo simple imprisonment for six months in case the compensation amount is not paid. No separate sentence is awarded for the rest of the offences. The conviction and sentence awarded to the second accused is confirmed. The first revision petitioner shall appear before Judicial First Class Magistrate Court II, Cherthala on 12.6.2007 to receive the sentence.

The criminal revision petition is disposed of as above.

K.R.UDAYABHANU,
JUDGE

csl